

City of Selah
Council Minutes
July 9, 2019

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

- A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; John Tierney; Diane Underwood; Russell Carlson
- Members Absent: Roger Bell
- Staff Present: Donald Wayman, City Administrator; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Ty Jones, Public Works Utility Supervisor; Treesa Morales, Recreation Manager; Monica Lake, Executive Assistant

- C. Councilmember Absence – Motion to Excuse

Council Member Carlson moved, and Council Member Tierney seconded, to excuse Council Member Bell. By voice vote, approval was unanimous.

- D. Pledge of Allegiance

Council Member Matson led the Pledge of Allegiance.

- E. Invocation

Pastor Mark Flippin gave the prayer.

- F. Agenda Changes

1. Add to Consent Agenda: Resolution N – 3

Council Member Tierney moved, and Council Member Burke seconded, to add Resolution N – 1 to the Consent Agenda as well. By voice vote, approval was unanimous.

- G. Public Appearances/Introductions/Presentations **None**

- H. Getting To Know Our Businesses **None**

- I. Communications

1. Oral

Mayor Raymond opened the meeting.

Tiffany Hein, Selah Downtown Association (SDA), approached the podium and addressed Council. She introduced herself as the new executive director of the SDA, saying that she's looking forward to working with Council on projects. She shared that the beautification grant application period, a match grant of five thousand dollars for painting exteriors, murals, public art, and restoration of historic buildings, is open until August 5, with a short completion window of ninety days from acceptance of the grant. She finished by saying that the SDA has awarded the first Robert S. Lince Award, for someone in the area who provided a significant impact on the history of Selah, Joyce Farsteneau.

Seeing no one else rise to speak, Mayor Raymond closed the meeting.

2. Written

a. Code Enforcement Report for June 2019

J. Proclamations/Announcements **None**

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

* 1. Approval of Minutes: June 11, 2019 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 82816 – 82831 for a total of \$214,656.63

Payroll Checks Nos. 82832 – 82866 for a total of \$286,616.45

Claim Checks Nos. 73189 – 73261 for a total of \$188,432.50

Claim Checks Nos. 73262 – 73328 for a total of \$382,323.38

* 3. Resolution N – 1: Resolution Authorizing the Mayor to Sign an Updated Agreement with Other Law Enforcement Agencies in Yakima County for Participating in the Yakima Valley Special Investigations Unit

* 4. Resolution N – 3: Resolution Accepting the Civic Center Park and Ride Lot Improvements as Complete

Council Member Carlson moved, and Council Member Burke seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.

Council Member Burke moved to move Resolution N – 5 to immediately follow N – 4 for discussion only, with the vote to take place after the Executive Session.

Council Member Burke explained that his reason for making that motion was that it currently follows a thirty-minute executive session on the agenda, and in his experience most people who attend the Council Meetings leave before an executive session ends, and in his opinion that item should be discussed while the public was in attendance.

City Administrator Wayman remarked that he felt it important to present information during the executive session before Council hears that particular item, and recommended that they hold the discussion and vote until after the executive session.

Council Member Burke responded that his motion was to move the discussion, not the vote, to allow any information presented during the executive session to be heard and understood prior to the vote. He opined that leaving the discussion to after the executive session asks a lot of the individuals who are here each Council Meeting.

Council Member Carlson seconded the motion. By voice vote, approval was unanimous.

L. Public Hearings

1. Public hearing to consider amendments to Selah Municipal Code (SMC) Title 9.10 pertaining to the establishment of sewer connection charges (9.10.060A) in the City of Selah

Public Works Director Henne addressed L – 1. He said that six months back he discussed the general sewer capital improvement plan with Council, including system deficiencies, how to fix them, and a plan to pay for them, which included establishing a new connection fee. He went on to say that the Planning Commission held hearings to discuss various options, and they had meetings with developers and staff to discuss a mediated type of fee structure, with a twenty-five hundred dollar connection fee per ERU coupled with a rate increase in 2020, and an annual increase of two point five percent to twenty-five hundred dollars. He asked that Council hold a hearing to hear from the public.

Mayor Raymond opened the public hearing.

Robert Schroeter, 3301 Nob Hill Boulevard, approached the podium and addressed Council. He introduced himself, saying that he represents the Central Washington Homebuilders Association (CWhA) and that he has had the opportunity to work with City staff and the Planning Commission for the last three months with regard to the proposed four hundred percent increase for sewer connection, and that while they see the need to increase water and sewer capacity, builders won't build in Selah with that kind of increase. He offered as an example the current president of CWhA, who put on hold any plans to build in Selah after hearing about the proposed increase. He finished by saying that City staff spent months working to find a workable solution that would address the needs and be agreeable to the builders, and that they feel what's proposed now to be the best solution.

Dick Graf, 86 Ridgeview, approached the podium and addressed Council. He said that when talking with City staff and the Planning Commission, a critical element was what would be fair, with the expense spread across all users and not entirely borne by new development; otherwise no one would come in and build. He opined that it was important to consider it as a shared approach, such as the Selah School District does, adding that new developments bring benefits like new streetlights and extension of existing streets, and new residents with income to spend at local businesses. He compared the proposed rate to other cities in the area, noting that Selah is almost ten percent below average for water rates in the State, although the new Ordinance would have connection fees higher than the State average. He expressed hope that Council would approve the Ordinance as written.

Seeing no one else rise to speak, Mayor Raymond closed the public hearing.

2. Public hearing to consider an ordinance creating a new municipal code Title 13 entitled, "Public Works Improvements"; adopting a new municipal code Chapter 13.01 entitled, "City of Selah Design, Construction Standards, and Specifications for Public Works Improvements"; Adopting a Uniform Design, Construction Standards, and Specifications Manual For Public Works Improvements, and associated amendments to Titles 9 Public Service and Utilities and 10 Zoning

Public Works Director Henne addressed L – 2. He asked that Council hold a public hearing for the document they have been working on for construction development standards, included in the Council packet, which has copies of about every detail from sidewalk and curb installation to street sections, light poles, requirements for putting a plat together and design criteria, inspections and bonding, so that when a developer comes in they can give the document to them or anyone else who wants to do public improvements.

Mayor Raymond opened the public hearing. Seeing no one rise to speak, she then closed the public hearing.

M. General Business

- | | | |
|----|--------------|-------------|
| 1. | New Business | None |
| 2. | Old Business | None |

N. Resolutions

- * 1. Resolution Authorizing the Mayor to Sign an Updated Agreement with Other Law Enforcement Agencies in Yakima County for Participating in the Yakima Valley Special Investigations Unit
2. Resolution of the City of Selah, Washington, Pertaining to 2020 Sewer Rates

Public Works Director Henne addressed N – 2. He said that the Resolution before them would increase rates by eight percent, which was part two of the connection fee to get the amount needed to complete

necessary improvements. He reviewed the increases in different categories as listed in the Resolution, and requested that Council approve it.

Council Member Burke spoke in favor of the motion, saying that he attended a meeting where this was discussed and while he had initially be in favor of an all sewer connection fee, a higher hookup fee would increase rents on more affordable homes in a way that would displace renters and discourage homeowners. He said that an eight percent increase was hard to take after multiple years of increases, but aligns with where they stand in trying not to prevent the opportunity for more people to live here and more new development.

Council Member Burke moved, and Council Member Matson seconded, to approve the Resolution of the City of Selah, Washington, Pertaining to 2020 Sewer Rates. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – no; Council Member Underwood – no; Council Member Carlson – yes. Motion passed with four yes votes and two no votes.

- * 3. Resolution Accepting the Civic Center Park and Ride Lot Improvements as Complete
- 4. Resolution authorizing the Mayor to sign an agreement between the City of Selah and Traho Architects, P.S. for services related to the construction of a new city hall and police station

Community Development Supervisor Peters addressed N – 4. He said that the City's capital improvement facilities committee met a number of times within the past two months to look at different options, ranging from using the existing Wells Fargo building to other options of where they could place a new City Hall, including using the existing site. He went on to say that the committee recommended that they cease negotiating for the Wells Fargo building and look for another location, and that in accordance with the Sub Area Plan and discussion amongst committee members they chose to look at the existing civic center site for a new city hall location. He added that this was the first step to see whether there would be enough property to put a new city hall as well as to look at the needs for how much property would need to be purchased and the use of transit funds for the parking lot that would have to be replaced on other properties.

City Administrator Wayman provided further background, saying that this document was a supplement to the original contract with Traho, to take the work already done for the original study they did and apply it to another property. He added that they didn't want to go out to bid for a new feasibility study, and that they hope to have a clean understanding of the capacity of that footprint to accommodate a police station and whether they need to supplement their property ownership.

Council Member Tierney wondered if it was a city hall and a police station complex, as they had mentioned them together and separately, and if they would be adding in construction for a community center as well.

Community Development Supervisor Peters replied that it was included in the proposal.

Council Member Tierney moved, and Council Member Burke seconded, to approve the Resolution authorizing the Mayor to sign an agreement between the City of Selah and Traho Architects, P.S. for services related to the construction of a new city hall and police station.

Council Member Carlson requested discussion on the matter.

Council Member Burke withdrew his second.

Council Member Carlson thought they should provide Traho with some guidelines, as he felt the original dollar amount was too high given that other municipalities have done it for less. He expressed concern over what he felt an excessive dollar amount for the design Traho had given them.

Council Member Burke responded that he raised the exact same concern at that meeting with regard to what they would be willing to pay or not pay, and the answer he received was that Traho is only taking a size requirement to see if they could reconfigure it like a puzzle to place on a different property, and that the time to place a cap on the price would be when going out to bid. He added that they weren't putting in design requirements, just taking the design or the space requirements to put on the new property.

Council Member Carlson replied that he comprehended that, but when planning the same dollar value he wouldn't want to pay more to keep the same dollars on the same property.

Council Member Tierney thought the discussion was whether they could take that building and stick it on another property, not a redesign, and if it doesn't fit then they may have to look at acquiring additional property.

Council Member Carlson felt it came down to whether they could foresee paying seventeen million on a new facility.

Council Member Matson commented that it wasn't just a seventeen million dollar facility but also future acquisition of property.

Council Member Burke remarked that if they are going to invest in a forty to fifty year plus facility did they want to have options to choose the best fit for the city, while recognizing that there's only so much property available in the downtown core. He went on to say that they looked at the property originally analyzed for this and wondered if it had a better use, possibly rezoned to better fit the needs of Selah in the future, and that they wanted to see the benefits and detriments to each site.

Council Member Burke seconded the motion.

Council Member Carlson commented that if they didn't agree with the dollar value, he failed to see why they would want to pay money for this.

Public Works Director Henne answered that the intent was to see how that building fits on the property and that when they go to design would be when they solidify the interior and exterior. He added that the original estimate had no bearing on the placement of this footprint, and that when they did the last study

it was a little tight, with a floorplan layout based on trying to fit it in there. He noted that limiting the amount and materials would be done when they go to the design phase.

Council Member Carlson replied that he got that, but he disagreed because his concern was if they don't agree with the building and dollar value why should they spend six thousand to see if fits.

Public Works Director Henne responded that the building hasn't been designed yet.

City Administrator Wayman added that as it hasn't gone out to bid, they have no idea as to what the cost would be.

Council Member Carlson pointed out that they had an estimate of seventeen million, and he didn't see the value.

Council Member Underwood opined that the drawing they'd seen had a lot of wasted space, and she could see where they don't need as much but would still have excess floor space for future areas.

Council Member Tierney remarked that they aren't talking about a redesign of the building, just needing a certain number of square feet for the footprint, and that in the future when they move forward with a design they could say that they desire to do the project for less money.

City Administrator Wayman commented that he was absolutely correct, that they were talking about hanging drapes when he wanted to discuss surveying, as they still need enough square footage for Council chambers, a training room, a parking lot, and so on, with only the addition of an envelope for a future civic center added to the original number. He added that the cost is still an abstract number at this point, as they aren't even close to that part of the project yet.

Council Member Burke remarked that going and getting a new architectural study before sending this design out to bid meant that if they don't like the price that's when they request a new design, but before that they do need a concrete number of what this would cost and whether to get a new design.

Council Member Carlson responded that he understands the logic, but his approach would be to give them the space and ask for a design that would fit there.

Council Member Tierney answered that was what they did, but they're saying there may be a better use of that land, and that the property wouldn't fit the addition of a new civic center either. He added that a new facility needs enough square feet to function for fifty years, and that's what they're looking for. He called for the question.

Council Member Wickenhagen noted that they were trying to move forward rapidly because of the lease on the police station.

Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – no. Motion passed with five yes votes and one no vote.

5. Resolution authorizing the Mayor to sign an Employment Agreement for Legal Services with Robert F. Noe

City Administrator Wayman addressed N – 5. He said that they were asking Council to consider an employment agreement with Bob Noe, who is currently a contract attorney with the City providing up to eighty hours of work per month, at the cost of ten thousand dollars monthly. He remarked that City Attorney Noe was considering a job offer with the Yakima School District as their in-house attorney, and had informed both him and the Mayor two weeks ago. He outlined the depth of knowledge and experience that Bob Noe has, coupled with his fifteen years of experience working for Selah and that to keep him would require the ten thousand per month along with bringing him in as a full-time employee with full, medical, dental and vision. He acknowledged that it was a lot of money, but added that City Attorney Noe has saved the City thousands of dollars in Union contract negotiations, a reduction in claims, and other instances, and that there isn't a large pool of attorneys with his skillset in the area who would be capable of handling this type of work. He requested that Council consider the contract.

Council Member Burke remarked that he moved to bring the matter up prior to the executive session for what he felt were some alarming reasons from his perspective, and that while he understands that it's nice to have a long-standing relationship with the attorney one works with, he doesn't feel that it comes anywhere close to justifying the contract. He commented that he spoke with four different attorneys that day about it, and they described it as a sweetheart attorney contract. He expressed concern that it wasn't going out to bid, that he would still be able to work for the cities of Tieton and Moxee while their employee, which would require hours of his time if either one went to litigation on a claim, the going rate for a city attorney was one hundred seventy-eight dollars an hour, and that the contract was written by the person who would benefit from it without review from an impartial attorney prior to being presented. He opined that it should be tabled until Council is presented with what it would cost them, as he thought that the amount indicated on the AIS only covered benefits and malpractice insurance. He strongly felt that the contract was full of favoritism and while he didn't mean that in the negative, he was concerned that Council needed additional information and that the reason for this being presented was due to a better job offer. He contested the fairness and appearance of the contract, with six months' severance and moonlighting, reiterating that in-house jobs for civil attorneys are the gold standard and if they were to pay one hundred thirty-five thousand for one there would be people who would apply. He noted that City Attorney Noe's wife was the Selah prosecutor, who also collected a salary of sixty-five thousand for her services.

O. Ordinances

1. Ordinance to consider amendments to Selah Municipal Code (SMC) Title 9.10 pertaining to the establishment of sewer connection charges (9.10.060A) in the City of Selah

Community Development Supervisor Peters addressed O – 1. He said that the Ordinance was to amend Title 9.10 for sewer connection charges by establishing a new section of code to commence on January 1, 2020, referring Council to the Ordinance as he indicated the number of different definitions for different building types, and the actual wastewater connection charge as it breaks down into shared contribution for things like multi-family residential units.

Council Member Tierney asked what the current connection fee was.

Community Development Supervisor Peters responded that they don't have a sewer connection fee in Ordinance form.

Council Member Tierney wondered if they had been charging a connection fee.

Community Development Supervisor Peters answered in the negative.

Public Works Director Henne noted that they do have a planned investment fee.

Council Member Tierney inquired if that was eliminated with this twenty-five hundred dollar fee, or in addition to it.

Public Works Director Henne replied that it was in addition.

Council Member Carlson commended staff for presenting it to the public and making revisions, saying that's how it's supposed to work. He added that his concern was the same as six months ago with regard to putting all fees to new development, as the capacity was created by the current residents and they needed to be able to share the cost. He was pleased with what he saw in the Ordinance.

Council Member Tierney asked what the current fee of twelve hundred eighty dollars was for.

Public Works Director Henne responded that it was for ongoing maintenance of equipment and the upkeep of the sewer collection system, while the new fee and the eight percent increase would be for capacity improvements outlined in the sewer system plan, which he would be bringing a task order to Council on for the design and loan. He noted that doing those would allow for growth on Crusher Canyon Road, Speyers Road, Fremont Avenue and what comes down Wenas Road to Goodlander Road.

Council Member Burke moved, and Council Member Carlson seconded, to approve the Ordinance to consider amendments to Selah Municipal Code (SMC) Title 9.10 pertaining to the establishment of sewer connection charges (9.10.060A) in the City of Selah. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Ordinance amending the 2019 budget for Fire expenditures

Clerk/Treasurer Novobielski addressed O – 2. He said that the budget adjustment was for the purchase of a tender truck that was budgeted for last year that the Fire Department would like to purchase by adding it to this year's budget.

Council Member Tierney moved, and Council Member Matson seconded, to approve the Ordinance amending the 2019 budget for Fire expenditures. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council

Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

4. Ordinance adopting amendments to Title 10 of the Selah Municipal Code, Zoning, including references to Selah Municipal Code Chapter 13.01, City of Selah Design Construction Standards, and Specifications for Public Works Improvements, and clarifying standards for private streets

Public Works Director Henne addressed O – 4. He said that adopting this Ordinance would amend Title 10 to get rid of the old standards and bring in new standards.

Council Member Wickenhagen moved, and Council Member Burke seconded, to approve the Ordinance adopting amendments to Title 10 of the Selah Municipal Code, Zoning, including references to Selah Municipal Code Chapter 13.01, City of Selah Design Construction Standards, and Specifications for Public Works Improvements, and clarifying standards for private streets. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – no. Motion passed with five yes votes and one no vote.

Executive Assistant Lake stated that Ordinance O – 3 had been skipped.

Community Development Supervisor Peters said that if they started with Ordinance O – 5 it created the new Title 13 to set the rules for the development community, Ordinance O – 4 amended Title 10 to be consistent with the new construction standards, and Ordinance O – 3 amended Title 9 with to be consistent with the new construction standards document.

3. Ordinance adopting amendments to Title 9 of the Selah Municipal Code, Public Service and Utilities, including references to Selah Municipal Code Chapter 13.01, City of Selah Design Construction Standards, and Specifications for Public Works Improvements

Public Works Director Henne addressed O – 3. He said that this amends Title 9 to make chapter 13 consistent with the new development standards.

Council Member Carlson pointed out that O – 1 was presented by Community Development Supervisor Peters.

Public Works Director Henne replied that O-3 adopts an amendment to Title 9 to include references to the new code in chapter 13.1, and requested that Council approve the Ordinance.

Council Member Burke inquired if it works together with O – 4 and O – 5 as a package deal.

Public Works Director Henne responded in the affirmative.

Community Development Supervisor Peters commented that per the State they could only amend one title of the code per topic.

Council Member Tierney moved, and Council Member Burke seconded, to approve the Ordinance adopting amendments to Title 9 of the Selah Municipal Code, Public Service and Utilities, including references to Selah Municipal Code Chapter 13.01, City of Selah Design Construction Standards, and Specifications for Public Works Improvements. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

5. Ordinance creating a new municipal code Title 13 entitled, “Public Works Improvements”; adopting a new municipal code Chapter 13.01 entitled, “City of Selah Design, Construction Standards, and Specifications for Public Works Improvements”; Adopting a Uniform Design, Construction Standards, and Specifications Manual for Public Works Improvements

Public Works Director Henne addressed O – 5. He said that this would create Title 13 and adopt the standards and development requirements.

Council Member Tierney remarked that his only issue with the standards would be that it says the preferred design would be sidewalks on both sides of the street, but developers are only required to put them on one side. He opined that without sidewalks on both sides it looks unfinished, and that it would make more sense to require them on both sides of the street.

Public Works Director Henne responded that they’ve required that in higher density but one side seems sufficient in single residence areas.

Council Member Tierney replied that just because it was done in the past doesn’t mean it’s the right thing to do, and that he would love to see sidewalks required on both sides.

Council Member Matson commented that a lot of the city doesn’t have sidewalks on both sides of street, and that on Third Street there aren’t any. She felt that they would need to make it public knowledge to get input from the community on the matter.

Council Member Burke asked if there was a reason beyond it being the way it’s been done or the cost.

Public Works Director Henne answered that density dictated it as well. He went on to say that residential streets are narrower, some without striping, while arterials are striped with sidewalk on both sides.

Council Member Tierney remarked that he didn’t have to like it.

Community Development Supervisor Peters pointed out that it was also part of the transportation plan based on functional classification of streets, and that in the State of Washington sidewalks on both sides are encouraged in new subdivisions, with a provision in the WAC and RCW to have safe walking paths for children and elderly to get to transit and schools, and that it was up to the City and Council to develop policies, goals, and regulations that support that position. He agreed with Council Member Matson with regard to the construction standards document, saying that it doesn’t set all the standards,

and they would need to go through the Planning Commission to amend Title 10 to require sidewalks on both sides of the street.

Public Works Director Henne said that's one of the reasons that they have language that makes this a living document, and that they could put sidewalks on the list of things to change.

Council Member Wickenhagen noted that there was no mention of conduit for data transfer or fiber optics either and that was one thing he kept seeing happen in communities.

Public Works Director Henne responded that the City requires a utility easement along the right of way for that, and that typically its power, telephone, and gas, and a builder would need to increase the size of the conduit to allow for fiber optics.

Council Member Wickenhagen reiterated that some communities are starting to lay empty conduit for fiber optics, saying that he just worked with Toppenish to put in conduit for YVCOG, and when they redid their sidewalks they laid in conduit and junction boxes.

Public Works Director Henne remarked that if they had a subdivision on the edge of town lay in empty conduit it could remain empty for years.

Council Member Wickenhagen commented that the biggest cost for fiber optics is trenching to lay the conduit.

Public Works Director Henne responded that he would discuss it with the City Attorney and Community Development Supervisor Peters.

City Administrator Wayman felt it would be worth going down that road, as they need to go towards fiber optics, noting that they don't have a closed loop protected against EMP or things like that.

Council Member Burke moved, and Council Member Wickenhagen seconded, to approve the Ordinance creating a new municipal code Title 13 entitled, "Public Works Improvements"; adopting a new municipal code Chapter 13.01 entitled, "City of Selah Design, Construction Standards, and Specifications for Public Works Improvements"; Adopting a Uniform Design, Construction Standards, and Specifications Manual for Public Works Improvements, on the condition that after approval Public Works Director Henne and Community Development Supervisor Peters pursue a public hearing comment for sidewalks and fiber optics.

Council Member Carlson asked if they could put a time limit on that.

Council Member Burke amended his motion to add 'within the next year'. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Hayes said that August 6th would be National Night Out at Wixson Park, from 6pm to 8:30pm, with free hot dogs and drinks, activities for the kids, a bash car and a dunk tank, and various entities attending.

Council Member Carlson inquired if Airlift NW would be there with a chopper.

Police Chief Hayes responded that there would be a chopper from the Training Center.

Council Member Carlson asked if they reached out to Airlift NW, saying he remembered them having two Blackhawks in the park before.

Police Chief Hayes replied that he doesn't remember that.

Council Member Tierney requested the hours again.

Police Chief Hayes answered that it would be from 6pm to 8:30pm.

Fire Chief Hanna said that he had a couple guys servicing fire hydrants and exercising the valves, although they wouldn't test water until fall. He reminded the public that there would be a public meeting on July 22 at 7pm at the fire station on Fremont Avenue and Third Street regarding the levy on the August ballot.

Community Development Supervisor Peters said that the Sub Area Plan would be on the agenda for the next Council Meeting, as it was taken back to the Planning Commission and has received a recommendation of approval. He requested that Council contact him by the end of the week with any questions, as he would be on vacation the following week. He added that Greg Dohrn would be attending the Council Meeting to answer any questions, and that hopefully after adoption he would give an update on going forward with the plan. He noted that there would be a final plat for Selah Vista Phase 5 on the agenda as well.

Clerk/Treasurer Novobielski said that he had uploaded the June financials to the City website, and was putting together the second quarter financial highlights to submit to the finance committee. He gave a brief update regarding the lodging taxes that the State was supposed to send to them, saying that the Department of Revenue told him the error was due to issues when improving their system and they should be getting in touch with him soon with an answer.

Council Member Tierney felt that their email response indicated that they arbitrarily decided to put the City on the back burner while they did other things.

Clerk/Treasurer Novobielski noted that he was required to file excise taxes by the 25th of the month and if he failed to do so they would have penalties.

Recreation Manager Morales said that Hot Rods on First Street had a hundred fifty cars, many who were returning, and that they gave away forty-four trophies during the event. She thanks Council Members Matson and Wickenhagen for volunteering at the event. She remarked that the Selah Independence Day celebration was awesome, a fun event with people just coming out and being together, and that they have the Selah Base Race coming up on September 14. She commented that they won a Municipal Excellence award from AWC for Volunteer Park, and that Selah was the only city who received the award for an outdoor park/recreation facility this year.

Council Member Tierney asked where the award would be displayed.

Recreation Manager Morales answered that she had some ideas.

Public Works Director Henne said that the concrete guys were scheduled to be there tomorrow to get curbs and sidewalk in on Third Street, and if it goes well they plan on paving next Monday. He added that the sprinkler system that was removed and altered has been repaired, and sod would be brought in the end of next week to replace what was removed during construction. He went on to say that the grind and overlay project would be finished next Wednesday, they would be crack sealing the rest of this week then fog seal it, the bid opening for Goodlander Road would be next Thursday, and that Department of Ecology was asking for addition information and description on the environmental for Taylor Ditch, which he hope will go out to bid by the end of the month.

City Administrator Wayman remarked that Public Works Director Henne was also working on getting a gate for Volunteer Park.

Public Works Director Henne responded that they started welding gate pieces that day/

City Administrator Wayman informed Council that the reason was because the park is closed at dusk but there have been visitors late at night, so the police would lock the gate at night, and in the morning Public Works would open it again.

Council Member Carlson asked if there were gates above and below.

Public Works Director Henne replied that there's a gate on Fourth and some pillars coming off Fourth and Goodlander, although they might have to put a pole there.

2. Council Members

Council Member Wickenhagen said that he attended the AWC conference, which he found interesting and informative, and that there are some really creative ways of using things that are normally big ugly things that other cities are doing. He shared that the State Auditor has tools that can compare Selah to other cities for financial records, and expressed his enjoyment of both Hot Rods on First Street and the Selah Independence Day celebration.

Council Member Matson had no report on the Volunteer Park committee. She thanked Recreation Manager Morales for the Hot Rods on First Street event, saying that she liked that people visited surrounding businesses for food as there were no food vendors at the event.

Council Member Burke had no report.

Council Member Tierney noted that they would not have an LTAC meeting until August due to lack of a quorum. He also attended Hot Rods on First Street and found it very enjoyable, with people from all over the state in attendance.

Council Member Underwood said that there is a tentative opening if July 18 for the Aquatic Center, provided they get the parking lot and landscaping completed, and hopefully they would have an opening celebration at noon on July 18.

Council Member Carlson felt that the Volunteer Park award speaks volumes, and that City staff was to be commended to push through the grueling process to make it happen. He encouraged his fellow Council Members to reach out to Ms. Hein, noting that November 7 is the SDA's annual gala fundraiser event with a Centennial celebration theme.

3. City Administrator

City Administrator Wayman said that Police Chief Hayes discussed the graffiti problem with him that day, adding that they were working on it and doing everything they could to keep it gone. He remarked that the Owens property has had a large portion of the structures demolished, and that City Attorney Noe has filed for a court date to recover the City's fees and costs.

4. Boards

a. Planning Commission Minutes from April 16, 2019

5. Mayor

Mayor Raymond said that she sent out an email for suggestions of things to discuss at the Council Retreat. She asked that people spread the word about the meeting at the Fire Department, as they need to get the information out and word of mouth was the quickest way to do so. She remarked that there was so much information at the AWC conference that opens one up to things you might not think about.

Council took a five minute recess.

P. Executive Session

1. 30 Minute Session – Employee Evaluation RCW 42.30.110 (1)(g) & RCW 42.30.110 (1)(c)

Council went into Executive Session at 6:07m. At 6:37pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional ten minutes.

Council went back into Executive Session at 6:38pm. At 6:48pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

City Administrator Wayman said that they talked about Mr. Noe's performance and the accolades he's received during the executive session, as well as his potential for further employment, and now they were back to talking about the potential for a resolution to sign an employment agreement to recreate the city attorney position. He reviewed the fiscal impact, adding that the proposed contract was him asking Mr. Noe what it would take for him to stay, which was then discussed with the Mayor, not something Mr. Noe had proposed to them. He remarked that Mr. Noe is scrupulously honest from his observations, and an excellent municipal attorney who handled all aspects of this in an exemplary manner, and that his recommendation was to accept the Resolution and approve the contract.

Council Member Burke clarified that he stands behind the comment in that in his opinion the contract overly compensates Mr. Noe for what he does, and it does that because of the working relationship and desire to keep him. He didn't think there should be a deal to keep someone above the costs of the City.

Council Member Tierney asked if the fiscal impact shown on the AIS was for the remaining five months.

City Administrator Wayman replied that it was annually.

Council Member Tierney observed that it would make it twenty-two thousand for the remainder of this year, with the additional fifty-six thousand to be part of the budget for next year.

Council Member Carlson commented that it would depend on medical costs, which haven't gone down in the last several years.

Council Member Burke had strong concerns about the provision to allow him to work with other municipalities, saying that one benefit of a salaried employee is all the work time, which wouldn't give him time for other cities. He stated that he would like to see a contract with an anti-moonlighting provision that he can't work for others in this capacity. He also expressed concern over the severance pay, which he assumed most city employees didn't have, and added that in his opinion Mr. Noe has been a good enough attorney that he could advance his career beyond the needs of Selah, and that he simply didn't feel comfortable offering the benefits of this contract without seeing what the competitive market was like.

City Administrator Wayman responded that with regard to Mr. Noe specifically, he's in a position to either accept or reject the current offer and once he accepts the City has lost him.

Council Member Carlson pointed out that he could always come back, and why would he not if it as a competitive market.

Mayor Raymond said that he's already accepted the other job.

Council Member Carlson expressed concerns about the moonlighting and severance and changing the position from contracted to an employee of the City.

Mayor Raymond remarked that the question was did they want to go back to him with the changes to the severance package and moonlighting.

Council Member Matson felt they should consider that.

Council Member Wickenhagen moved, and Council Member Carlson seconded, to send the contract back to Robert Noe, striking the severance and moonlighting provisions and accepting the salary change.

Council Member Burke clarified to remove the ability to moonlight and prevent moonlighting.

Council Member Carlson asked if they were offering him his full annual request but removing those two provisions.

Council Member Wickenhagen responded in the affirmative.

Council Member Carlson withdrew his motion.

Council Member Carlson felt that the salary amount was too high.

Council Member Wickenhagen remarked that he was in a position to compete with the entire state for positions, and that he got tired of being told he can't have this or that but was still expected to compete at the same level and provide good services. He added that when he has a good employee he'll do practically anything to keep him, and that one mistake could cost the City millions of dollars.

Council Member Burke explained that fees can only be what the lone star method allows, which would be the going rate of the legal community, and that he referenced the valley and its legal community as the lone star method is a legal restriction for billing rates.

Council Member Carlson agreed that in owning a business one doesn't want the good ones to leave, but he still thought that the rate was higher than he was comfortable with. He felt that Mr. Noe has done a phenomenal job but he was just not comfortable with that annual dollar amount, opining that it was beyond their reach when they hear about projects they don't have the money for.

Mayor Raymond stated that she had a motion to accept the contract with modifications and asked if there was a second.

Council Member Tierney seconded the motion. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – no; Council Member Burke – no; Council Member Tierney – yes; Council Member Underwood – no; Council Member Carlson – no. Motion failed with two yes votes and four no votes.

Council Member Carlson commented that he didn't know if it would be disrespectful to Bob Noe to counter with a lower offer.

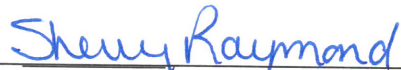
City Administrator Wayman replied that it would be a useless exercise.

Council Member Tierney extended his thanks to City Attorney Noe for his service.

Q. Adjournment

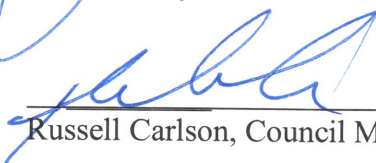
Council Member Tierney moved, and Council Member Burke seconded, that the meeting be adjourned. By voice vote, approval was unanimous.


The meeting adjourned at 7:04pm.

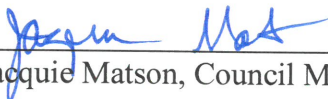

Sherry Raymond, Mayor


John Tierney, Council Member

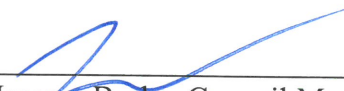
EXCUSED
Roger Bell, Council Member


Russell Carlson, Council Member

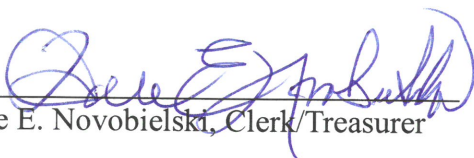

Diane Underwood, Council Member


Jacquie Matson, Council Member

Kevin Wickenhagen, Council Member


Jeremy Burke, Council Member

ATTEST:


Dale E. Novobielski, Clerk/Treasurer